

Zsófia Moldova (Hungarian Helsinki Committee), Antonella Dionisi from National Guarantor for the rights of persons detained or deprived of liberty in Italy, Zoran Burić (University of Zagreb), and criminal defence lawyer João Neto from Portugal discuss the benefits of audiovisual recording.

Welcome to the latest LEAP quarterly bulletin, which aims to provide an update on the network's work over the past few months, as well as broader developments in the world of criminal justice.

Our new Campaigns and Networks Coordinator [Iva](#) has settled in well and we're excited about all the upcoming work. We're keen to organise different events in your countries and also want to be shouting about the great work you're doing, so keep an eye for the [LEAP REQUESTS](#) in this bulletin.

As ever, it's a long update, but you can jump to the different sections using the navigation below.

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FAIR TRIALS AND LEAP NEWS

The 2019 'Justice in Europe' Annual Report

In case you missed our email from end of May, we've put together a report detailing our and LEAP's work over the last year. Read the report [here](#).

JUSTICIA statement on the new provisions of the Polish Criminal Code

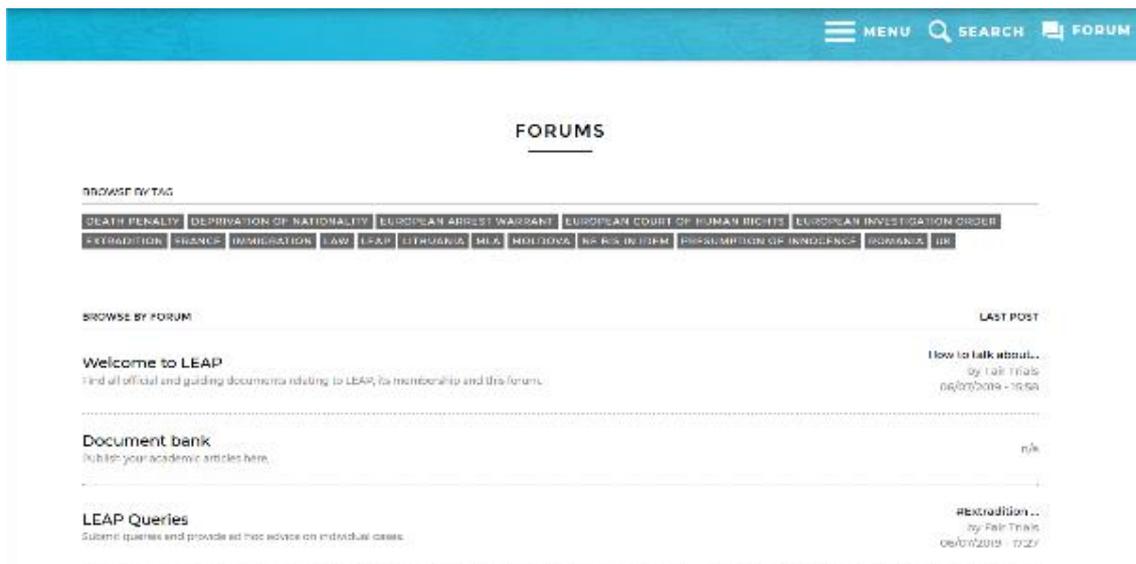
The members of JUSTICIA have expressed their deep concerns regarding the recent Polish Parliament decision to adopt an amendment to the Criminal Code introducing the possibility to sentence a convict for a whole life sentence. Read the statement [here](#).

LEAP Forum

Our LEAP Forum is nearly there and ready to be launched! Right now, we are testing it to make sure it does exactly what we need it to do to make LEAP more effective.

The forum will provide an online meeting point for our collective expertise, questions and discussions – a fantastic resource for LEAP members, accessible via the website. In the forum, LEAP members can easily and quickly ask questions and find the answers to those questions, find and share important information, and stay informed about the activities of Fair Trials. One of the reasons we created this forum is the fact that many of your queries are time-sensitive. With this forum, you will be able to follow discussions by subscribing to specific topics. When someone posts a comment to one of those topics, you will automatically receive an email notification in your inbox.

Below you can see how the forum looks like! If you would like to help us test it then [get in touch](#).



The screenshot shows the top navigation bar with a blue background, containing a menu icon, the text 'MENU', a search icon, the text 'SEARCH', and a forum icon with the text 'FORUM'. Below the navigation bar is a white section titled 'FORUMS' with a horizontal line underneath. Underneath 'FORUMS' is a 'BROWSE BY TAG' section with a horizontal list of tags: DEATH PENALTY, DEPRIVATION OF NATIONALITY, EUROPEAN ARREST WARRANT, EUROPEAN COURT OF HUMAN RIGHTS, EUROPEAN INVESTIGATION ORDER, EXTRADITION, FRANCE, IMMIGRATION, LAW, LEAP, LITHUANIA, POLA, POLYDONS, RE-RIS IN ITEM, PRESUMPTION OF INNOCENCE, ROMANIA, and UK. Below the tags is a 'BROWSE BY FORUM' section with a table of forum topics. The table has two columns: 'FORUM' and 'LAST POST'. The first row is 'Welcome to LEAP' with the description 'Find all official and guiding documents relating to LEAP, its membership and this forum.' and the last post 'How to talk about...' by Fair Trials on 06/07/2019 - 16:58. The second row is 'Document bank' with the description 'Publish your academic articles here.' and the last post 'n/a'. The third row is 'LEAP Queries' with the description 'Submit queries and provide advice on individual cases.' and the last post 'Extradition...' by Fair Trials on 06/07/2019 - 17:27.

| BROWSE BY FORUM | LAST POST |
|--|---|
| Welcome to LEAP Find all official and guiding documents relating to LEAP, its membership and this forum. | How to talk about... by Fair Trials 06/07/2019 - 16:58 |
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| TOPIC | LAST UPDATED ▼ | REPLIES |
|---|----------------|---------|
| <p>LEAP Forum User Guide Posted by: Fair Trials The forum is easy to use and will provide an online meeting point for our collective expertise, questions and discussions — a fantastic resource for LEAP members, accessible via the website.</p> | June 7, 2019 | 0 |
| <p>How to talk about LEAP (to press) Posted by: Fair Trials We are eager to see LEAP members talking about the network with their contacts, among their own constituencies, and to the press.</p> | June 7, 2019 | 0 |
| <p>Terms of reference Posted by: Fair Trials The terms of reference are the foundation of how LEAP is organised and managed. This document includes information on:</p> <p>LEAP</p> | June 3, 2019 | 0 |
| <p>Welcome Pack Posted by: Fair Trials Inside you can find information on who LEAP is, what it does, how members communicate, and how members' data is processed.</p> <p>LEAP</p> | May 28, 2019 | 0 |

Fair Trials is recruiting

We are in the process of recruiting a third Legal and Policy Officer in our Brussels office. Read the job description [here](#) and share with people you think might be interested in applying!

We're also excited to announce that our new Office and Projects Administrator Gayane Nanushyan will be starting in mid-July in our Brussels office.

Your contributions

During the last three months, we've published three guest posts by LEAP members:

Asya Mandzhukova-Stoyanova, who works as a criminal lawyer in Bulgaria, told us about the situation and challenges around the presumption of innocence in the country. The news piece was widely shared on social media and led to press attention in Spain. Read the news piece [here](#).

Our Portuguese LEAP member Sofia Monge wrote for us about a decision from the Court of Appeal of Évora in Portugal, which showed positive signs regarding the application of the EU Directives on the right to interpretation and translation and the right to information in criminal proceedings. Read Sofia's guest post [here](#).

21 May was the five-year deadline for the first review of the European Investigation Order (EIO), adopted by the European Union in 2014 as a tool that would simplify and speed up

cross-border criminal investigations. Our LEAP member and criminal defence lawyer Achille Campagna wrote about the progress made in Italy since the introduction of the EIO. Read his guest post [here](#).

LEAP REQUEST

If you're interested in writing something for our website, please [let us know](#). Do let us know also if you are being mentioned in the press – we're happy to be shouting about it.

Article on the EU law provisions on the right of access to the case file

Our Estonian LEAP member Anneli Soo has co-authored a research article 'Article 7 of the Directive 2012/13/EU on the Right to Information in Criminal Proceedings: A Missed Opportunity to Ensure Equality of Arms in Pre-Trial Proceedings?', arguing that the provisions are insufficient to ensure adequate protection of this right in Member States. The article has been published in the European Journal of Crime, Criminal Law and Criminal Justice and is available [here](#).

LEAP REQUEST

If you have published something or taken part in an event, again, do [let us know](#) and we're happy to share!

CROSS-BORDER JUSTICE

EAW – Who has the power to issue them?

On 27 May, the CJEU ruled that German public prosecutors do not provide a sufficient guarantee of independence from the executive when issuing an EAW, while the Prosecutor General of Lithuania does. As a result of this ruling, only judicial authorities deemed completely independent from the executive will be able to issue EAWs. Read our news piece [here](#) and our briefing note, outlining the key points and implications of this groundbreaking CJEU decision, [here](#).

LEAP REQUEST

If you are interested in having an event in your jurisdiction to look at the use of EAWs or their alternatives, please [let us know](#).

Refused extradition to Lithuania on grounds of inter-prisoner violence

We circulated a LEAP query concerning extradition to Lithuania:

I am representing a requested person in an appeal where we (and several other requested persons) are arguing that there is real risk of a breach of Article 3 ECHR due to poor conditions in Lithuanian Correction Houses (conviction prisons), in particular due to the prevalence of inter-prisoner violence. Please could you let me know if your country's courts have recently refused extradition to Lithuania in similar circumstances?

Read LEAP members' responses to this question [here](#). Soon LEAP queries will also be available on the forum!

New EU laws on e-evidence are being negotiated

In the final weeks of the European Parliament in April, the LIBE Committee produced a new working document on the Proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters, reflecting the recommendations we made in our consultation paper in February. The purpose of the working paper was to address the issue of the enforcement of European Production Orders, and European Preservation Orders, as well as consider possible remedies and safeguards in their use.

Find out more in our news piece [here](#), and read our policy brief and consultation paper [here](#).

PRESUMPTION OF INNOCENCE

Transatlantic discussion on pre-trial detention

On 2 April, Fair Trials and Harvard Law School's Criminal Justice Policy Program organised an event that brought together key criminal justice reformers from the USA and

Europe. Nicola Canestrini, and Nora Novoszadek from the Hungarian Helsinki Committee, took part in the panel and gave insight on the situation in Italy and Hungary.

Watch the interesting discussion [here](#), and read about it in our newsletter [here](#) and in our guest post by Penelope Gibbs from Transform Justice [here](#).

Raising awareness on the presumption of innocence

By now, you have probably heard about our new [report](#) and [film](#) on the presumption of innocence. On 4 June, we held an EU launch event, featuring our LEAP members Asya Mandzhukova-Stoyanova from Bulgaria and Nicola Canestrini from Italy, where the challenges for implementing the presumption of innocence in the EU and the fundamental rights implications of the rise of trial by media were discussed. We've also produced a [newsletter](#) and a [news piece](#) on the topic, and a [summary document](#) of the project's conclusions and recommendations.

LEAP REQUEST

We want to organise events and screenings on the presumption of innocence in different LEAP members' countries, and for as many people as possible to see our film and become more aware of the issue, so please share it widely and [let us know](#) if you're interested in organising an event with us.

ACCESS TO JUSTICE

Audio-visual recording – a key safeguard during interrogations

Our project on audio-visual recording of interrogations in criminal proceedings, led by the Hungarian Helsinki Committee, is coming to an end, and on 4 June we held an event that brought experts, including our Portuguese LEAP member João Neto, together to discuss the benefits of audio-visual recording and the challenges for implementing it.

The conclusions of the project highlight benefits of audio-visual recording: it helps to ensure control over the quality of the interpretation, document the conduct of the procedure, and to improve police investigative techniques. It also protects both the defendant and the police by offering a comprehensive, accurate picture of the interrogation

and by working as a safeguard to stop false allegations of law enforcement officers.

Read more about the event [here](#).

LEAP REQUEST

We are looking for any evidence of impact of early access to a lawyer (in police station) post-Salduz, so if you know of any academics that have been researching this, please [let us know](#).

Trial waivers in Hungary and Croatia – two new reports

Two new reports produced through LEAP analyse the impact of trial waiver systems on defence rights in Hungary and Croatia, where they have recently undergone reforms to facilitate accelerated, cost effective and efficient criminal proceedings. As trial waiver systems are on the rise globally, we have teamed up with local experts to better understand the scope of the practice and its potential implications for human rights and rule of law protection in the two countries. While trial waiver systems certainly have their advantages, this shift away from the full guarantees of a trial also poses challenges to rights protection and the rule of law.

Read our news piece [here](#), the report on Hungary [here](#) and on Croatia [here](#).

LEAP extends to Kosovo

Last month, we travelled to Pristina, Kosovo to help with the selection of local members to LEAP. LEAP in Kosovo will seek to improve human rights compliance in the criminal justice system through the promotion of EU procedural rights protections. We wanted to get local lawyers, academics, and NGO representatives to join LEAP to engage in dialogues with their counterparts from EU countries, to help facilitate mutual learning and experience-sharing. Read more [here](#).

WHAT OTHERS ARE DOING

[CCBE Recommendations on the protection of fundamental rights in the context of ‘national security’](#)

CCBE has published recommendations relating to the idea of ‘national security’ and its indeterminate meaning. The publication “deals with the question of how and whether the notion of ‘national security’ as a justification for surveillance measures and other intrusions upon the fundamental rights of citizens can be better embedded in national democratic systems, where effective judicial control and supervision of government actions remain essential elements of constitutionality.” Access the publication [here](#).

CASE-LAW UPDATES

European Court of Human Rights

To read about ECtHR case-law on the right to a fair trial from April to June 2019, please click [here](#).

Court of Justice of the European Union

To read about CJEU case-law on the right to a fair trial from April to June 2019, please click [here](#).

How are we doing?

Let us know what you think of these updates. Too long? Not detailed enough? Is there stuff that we’re missing or that you’d like to see more of?

Do you have a contribution to make? We are always looking for guest posts on our website, as well as news for our Quarterly, so please get in touch for either.

Do you know somebody who could be interested in receiving this bulletin? Then tell them to send an email to marianna.tuokkola@fairtrials.net and we will be happy to sign them up to our mailing list.

If you do not wish to receive the bulletin any longer, please unsubscribe by sending an email to the same address marianna.tuokkola@fairtrials.net.

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